

**PATENT****Attorney Docket No.: W1200-00066****II. Remarks**

Claims 1-3, 5-17, 19-26, 28-35 and 37-40 are pending in the present application. The Action rejects each of these claims as being obvious from Microsoft's MapPoint ("MapPoint") as disclosed in three articles: (a) "Divide and Conquer" by Baker; (b) "Microsoft MapPoint 2000 Delivers New Mapping and Analysis Program"; and (c) "MapPoint 2002" by Farris. Reconsideration and withdrawal of this rejection are respectfully requested.

Claim 1 recites that unique identifiers are assigned to the lottery retailers and distinguish individual ones of the lottery retailers by types of lottery games sold. For example, if a lottery retailer only sells the "Pick 6" lottery game, it is assigned a first unique identifier. If a lottery retailer sells "Pick 6" and instant ticket lottery games, it is assigned a second unique identifier, etc. Lottery retailers are displayed on a map display and distinguished from one another using these unique identifiers.

Claim 1 also requires that location information "for at least one existing retailer that does not sell lottery games" is obtained and that "the at least one existing retailer that does not sell lottery games" is also mapped on the map display. In this manner, the method of claim 1 allows the user to map lottery retailers (that are further distinguished on the map display by their assigned unique identifiers) and "at least one existing retailer that does not sell lottery games."

If a retailer sells a lottery game, it would not be an "existing retailer that does not sell lottery games." Indeed, this retailer would be a lottery retailer that sells lottery games and would be assigned a unique identifier as such in accordance with the claimed method.

The Examiner relies on the Manufacturers and Traders Trust (MTT) example from Baker, Page 4, for providing these features. Reconsideration of this rejection is respectfully requested in view of the following arguments.

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A. The Examiner's MTT Example Does Not Disclose or Inherently Require That Bank Locations Are Mapped

The Examiner argues, "inherently if the decision is being made to introduce a new product into the bank, the mapping software is displaying bank(s) that does not already carry the product. . . . The idea is that a company can look at it's [sic] locations along with products sold at those locations and determine whether to introduce a new product or service to better meet demands of the area demographic."

The MTT example does not expressly state that existing bank locations are mapped on the display nor does it inherently (i.e., necessarily) require existing bank locations to be displayed as alleged by the Examiner. The entirety of the MTT description is as follows:

Other mapping possibilities are generic to businesses of all sizes, including the way Manufacturers and Traders Trust analyzes demographic data to display concentrations of customers meeting age and income criteria that can be used to develop new banking products and promotions for specific market groups.

Baker only discloses that MTT used the software to display concentrations of customers meeting age and income criteria, not branch locations. It is entirely possible that MTT could use separate branch location information, such as zip code or general institutional knowledge, to cross-reference the displayed customer data against known existing branch locations.

Therefore, it is submitted that MTT does not expressly or inherently teach or suggest display of retailer locations on a map display.

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B. The Examiner's Interpretation of the MTT Example Does Not Align with the Limitations of the Claims

The Examiner's MTT example also does not align with each recited feature of claim 1. Even assuming for argument's sake that the MTT bank example relied on by the Examiner does display existing branch locations as a part of the process, and somehow distinguishes these locations by the products they sell, the claims require the identification of a location of at least one existing retailer that does not sell lottery games.

In the Examiner's example, MTT plots its bank locations on a map along with demographic data. So, each location displayed on the map display is an existing bank retailer of MTT. By looking at its existing bank branches in the context of demographic data for the areas, MTT theoretically can evaluate whether to introduce new products to these existing bank locations. In this example, MTT does not and would not display retailers that do not sell bank products along with its existing bank retailers. There is no teaching or suggestion that MTT, for example, would display a grocery store, gas station or other non-bank retailer location that does not already have an existing MTT bank branch.

The claimed method requires the display of lottery retailers (for which the existing MTT bank locations in the Examiner's example may correspond) and "at least one existing retailer that does not sell lottery games" (for which nothing in the Examiner's MTT example corresponds). As argued above, if MTT were looking to introduce products into its existing locations based on demographic information, MTT would not display other retailers (e.g., gas stations, grocery stores, etc.) that do not contain its branch locations. Put another way, nothing in the MTT example suggests that MTT would display an existing retailer that does not sell banking products.

Clearly, if the "idea is that a company can look at its locations along with products sold at those locations and determine whether to introduce a new product or service to better meet

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demands of the area demographic” as argued by the Examiner, the display of non-bank locations would be of no use. The MTT banking example of Baker, as interpreted by the Examiner, displays only existing branch locations, albeit differentiated by the products each branch sells. It would not display retailers that do not sell banking products, i.e., a non-bank retailers (e.g., gas stations).

Therefore, it is submitted that the art cited by the Examiner does not teach the displaying on a map display of lottery retailers and “at least one existing retailer that does not sell lottery games” as claimed.

C. Comments on Examiner’s Response to Arguments

In the Response to Arguments section, p.3, the Examiner states that “mapping software helps the banks decide to introduce new products into their line based on demographic data, so inherently if the decision is being made to introduce a new product into the bank, the mapping software is displaying a bank(s) that does not already carry the product.” As discussed above, Applicants disagree that the MTT example inherently requires the mapping of any bank location. Further, that the Examiner’s example requires the mapping of MTT’s existing locations that do not already carry a product shows that the Examiner does not appreciate the difference recited in Applicants’ claims between a “lottery retailer” and an “existing retailer that does not sell lottery games.” An existing branch location of MTT that happens to not sell a particular product would not be “an existing retailer that does not sell bank products” and thus does not correspond with “an existing retailer that does not sell lottery games” as claimed in claim 1.

This point is further emphasized by the Examiner’s responsive statement, p.4, that the “idea is that a company can look at it’s [sic] locations along with products sold at those locations and determine whether to introduce a new product or service to better meet demands of the area demographic.” The Examiner’s reasoning does not suggest in any way that the bank (or other

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business) looks to other existing non-affiliated retailer locations in which to introduce its products.

Per the foregoing arguments, it is submitted that independent claim 1 is not obvious from the art of record and is, therefore, allowable. Claims 2-3 and 5-13 depend from claim 1 and are, therefore, also allowable for at least the reasons set forth above.

Independent claim 24 recites features that parallel those of independent claim 1. For at least the reasons set forth above in connection with claim 1, it is submitted that claim 24 is also not obvious and is allowable over the art of record. Claims 25-26 and 28-32 depend from Claim 24 and are also allowable for at least the reasons set forth above.

Like claim 1, independent claim 14 recites that location information is obtained for both a plurality of lottery retailers and "existing retailers that do not sell lottery games." Claim 14 also recites that the locations of at least one lottery retailer and at least one of existing retailer that does not sell lottery games are identified on a map display. For at least the reasons discussed above in connection with claim 1, it is submitted that the art of record does not teach this combination of features. Therefore, it is submitted that Claim 14 and Claims 15-23, which depend from Claim 14, are allowable over the art of record.

Independent Claim 33 recites features that parallel those of Claim 14. For at least the reasons discussed above, it is submitted that Claim 33 and Claims 34-40 are not obvious from and are allowable over the art of record.

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III. Conclusion

In view of the foregoing remarks and amendments, Applicants submit that this application is in condition for allowance at an early date, which action is earnestly solicited.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account 04-1679.

Respectfully submitted,

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